

SECOND JUDICIAL DISTRICT COURT

ARBITRATION PROGRAM DESCRIPTION

In June 1988, the Second Judicial District Court initiated a pilot court-annexed arbitration project aimed at improving the quality of justice for small civil cases and conserving judicial resources. In April 1989, based on the success of the pilot project, the Court instituted a permanent program. The Arbitration Program is designed to speed the resolution of small cases, saving litigants time and money, thereby improving satisfaction with the judicial process.

HOW IT WORKS: Under court-annexed arbitration, the District Court refers small civil cases to an attorney-arbitrator for resolution. The Court defines “small” cases as those where (1) the parties are only asking for monetary relief and (2) no party is asking for more than \$25,000 in damages, exclusive of attorney’s fees, costs, interest and punitive damages. Typically these cases involve automobile accidents, minor personal injuries and unpaid debts. Parties involved in other types of cases can opt into court-annexed arbitration by stipulation.

The attorney-arbitrator appointed to a given case basically becomes the judge for that case. The arbitrator hears the motions, conducts the trial and makes the ruling in the case. Within 120 days after appointment the arbitrator must file a decision (an “award”). Please note, failure to appear is not a ground upon which an appeal may be taken. Any party dissatisfied with the arbitrator’s decision can appeal the decision. On appeal, the arbitrator’s decision is sealed and the parties are given a new trial before the assigned District Court Judge. If there is no appeal, the District Court Judge adopts the arbitrator’s decision as the Court’s own, making it a final judgment which can be executed upon just like any other judgment.

SELF-REPRESENTED LITIGANTS: The Center for Self Help and Dispute Resolution, located in Room 119 here at the Second Judicial District Court, provides limited forms, referrals to legal counseling services, and information about rules and procedures to those persons who wish to represent themselves without an attorney (Pro Se). Please call (505) 841-6702 for more information.

WHAT MAKES IT BETTER: Several aspects of court-annexed arbitration make it quicker and less costly than traditional litigation. First, the arbitrator is given only four months to decide the case; consequently, motions hearing and the trial are set quickly. Second, the arbitrator is required to limit discovery whenever appropriate. Third, evidentiary requirements are relaxed; parties can present most evidence by document rather than by witness. Fourth, hearings are conducted informally, either in the arbitrator’s office or over the telephone.

THE ARBITRATORS: The arbitrators are appointed from a pool of attorneys which includes all private attorneys in Bernalillo County licensed for at least five years. After a case is referred to arbitration, an attorney shall be appointed as arbitrator by the filing of a court order upon either random selection, court selection or stipulation. The parties can also stipulate to any attorneys upon whom they can agree provided the selected attorney approves the stipulation.

RESULTS: Since 1988, approximately 12,220 cases have been ordered to court-annexed arbitration. Only 13% of the arbitrators’ “awards” have been appealed. Feedback generally has been positive. One litigant recently described the process as “not at all sloppy but informal” and praised the arbitrator as follows: he was “warm and informal but didn’t give an inch on the law.”

FOR MORE INFORMATION CALL: 841-7412